

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Paul Blackmer

v.

No. 11-mc-10-LM

Paul Fortier et al.

**O R D E R**

Before the court is pro se prisoner Paul Blackmer's initial filing in this matter (doc. no. 1), which includes a request for a stay of the three-year limitations period that is applicable to claims arising under 42 U.S.C. § 1983 in New Hampshire. The magistrate judge in this court conducts a preliminary review of such filings to determine if the matter shall be served. See United States District Court, District of New Hampshire, Local Rule 4.3(d)(2) (magistrate judge conducts preliminary review of initial filings of incarcerated persons).

Blackmer's initial filing here (doc. no. 1) is a hybrid, combining a pleading and a motion. To avoid any unnecessary delay in the processing of this matter, the court construes it (doc. no. 1) to be a complaint, intending to assert a civil rights claim against defendants under 42 U.S.C. § 1983. See Fed. R. Civ. P. 3. The Clerk shall process this case hereafter in a manner consistent with this construction of Blackmer's initial filing.

Blackmer has failed to pay the filing fee and has not filed a motion to proceed in forma pauperis. Blackmer must either pay

the fee or file such a motion, pursuant to LR 4.2(a) and 28 U.S.C. § 1915, or this action will be dismissed.

Conclusion

Within 60 days of the date of this Order, Blackmer shall either pay the filing fee, or file:

1. A motion to proceed in forma pauperis;
2. A financial declaration disclosing his income, assets, expenses, and liabilities;
3. A certified copy of the trust fund account statement for the 6-month period preceding the date of this Order; and
4. A certified statement showing the average monthly deposits to and average monthly balance in his prisoner account.

Blackmer's failure to comply with this Order will result in a recommendation that this action be dismissed for failure to prosecute.

**SO ORDERED.**



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Landya B. McCafferty  
United States Magistrate Judge

Date: February 24, 2011

cc: Paul Blackmer, pro se

LBM:nmd